

**The Berkeley Estate**

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# Stroud District Local Plan Review

## Pre-Submission Draft Local Plan Consultation

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Representations prepared by Savills on behalf of  
'The Trustees of the Berkeley Settlement' (The  
Berkeley Estate)

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## Introduction

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1. These representations have been prepared by Savills on behalf of The Berkeley Estate (TBE) in response to the consultation on the Pre-submission Draft Stroud District Local Plan (Draft LP) which ends on 21 July 2021. The representations follow on from a submission to previous draft versions of the Local Plan Review in January 2019 and January 2020.
2. As set out within those representations, TBE's long term commitment to the area means that the use/development of its land is important to its legacy. TBE also takes an active interest in development across the wider area as part of the Development Plan process.
3. TBE's land interest is focused in the south western part of the District, extending to approximately 6,000 acres in Gloucestershire's Berkeley Vale.
4. Specific comments within these representations are made in respect of the proposed allocations relating to the 'land at Focus School, Wanswell', 'Sharpness Garden Village' and 'Wisloe Garden Village'. These representations also respond to general development management policies pertinent to the land under TBE's ownership.
5. It is hoped that these representations are of assistance to Stroud District Council (SDC) in preparing the next stages of the Stroud Local Plan Review.

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## Planning Policy Context: Plan-making

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6. The revised National Planning Policy Framework (NPPF, published 21 July 2021) sets out the government’s guidance towards the preparation of local plans.
7. The revised NPPF establishes that plans should apply a presumption in favour of sustainable development. For plan-making this means that (a) plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects; and (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas.
8. As part of the plan-making section of the revised NPPF (Chapter 3), the document states at Paragraph 16 that plans should: *“be prepared positively, in a way that is aspirational but deliverable”* and *“contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”*.
9. Paragraph 31 sets out that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
10. Paragraph 35 of the revised NPPF establishes that when a plan is submitted for examination it will be assessed to confirm that it is *“sound”*; this includes a plan that is positively prepared; justified; effective and consistent with national policy.
11. The following representations have regard to the tests of soundness outlined above.
12. The online Planning Practice Guidance (PPG) is an online resource which provides additional advice and guidance towards the preparation of local plans. The PPG is referenced within these representations, and wider submission documentation where relevant.

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## SWDPR – Preferred Options Document - Representations

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### Evidence Base – Viability Assessment

13. The Draft LP is supported by a working draft Viability Assessment ('the Draft VA'), published in May 2021. As stated from the outset, the Draft VA seeks to inform the further development of the Draft LP and covers a range of matters including policy requirements and the emerging strategic allocations.
14. In respect to the latter, chapter 10 of the Draft VA (Residential Appraisals) sets out the methodology and broad assumptions for assessing the residential site typologies and strategic allocations. In summary the methodology sets out a 'red, amber, green' (RAG) system for reporting the results and are based on the following assumptions:
- Provision of 30% affordable housing in accordance with emerging Core Policy CP9 (inc. 33% intermediate tenure and 67% affordable rent);
  - Design aspects including:
    - Accessible and Adaptable homes;
    - Nationally Described Space Standards (NDSS);
    - Car Charging Points;
    - 10% Biodiversity Net Gain, in accordance with emerging legislation; and
    - Carbon Reduction as per emerging Delivery Policy ES1;
  - Developer Contributions including CIL and estimated planning obligations.
15. As a general point, whilst SDC seeks to deliver high quality new development across the district, the Draft LP makes no mention of the NDSS within its emerging policies.
16. The revised NPPF sets out that within plan-making, plans should be aspirational but deliverable.
17. Whilst TBE welcomes SDC's positive approach, the promotion of the strategic allocations needs to be based on realistic assumptions to ensure that what is required by emerging policy is deliverable in accordance with the revised NPPF, having particular regard to critical infrastructure requirements and costs.
18. Taking the above into account, Table 10.2d of the Draft VA highlights that none of the 10 strategic sites put forward within the plan are clearly classed as 'viable' (green). Both sites TBE is promoting (land adjacent the 'land at Focus School' and land forming part of the new settlement at Wisloe) are currently identified as having 'marginal' viability, which means that they may be viable depending on the nature of the site and the owner. It is the view of the Estate that



those two sites are viable, and viability evidence will evolve so that the latest position can be the subject of review at the examination.

## Local Sites Allocation Policy PS35

19. TBE acknowledges and supports the recognition of its land directly adjoining the Focus School as appropriate for development through its identification as part of the second phase of allocation ref. PS36 'Sharpness new settlement'.
20. TBE maintains that its land is most closely related to, and should form part of, the adjacent PS35 allocation rather than be linked to PS36. Furthermore, allocation PS35 should require a co-ordinated development of the Focus School and TBE's land as one single proposal to ensure a well-considered masterplan for the wider site.
21. To recap, the extent of TBE's land in question is set out at Figure 1.

**Figure 1: TBE land adjacent to Local Sites Allocation Policy PS35 'Land at Focus School, Wanswell'**



22. TBE's land is more closely related to the Focus School than the proposed wider new settlement at Sharpness. Our previous response to the Draft LP examined this point.

23. In summary, the reasons for pursuing a single allocation across both TBE's land and the Focus School sites include:

- Both sites are not divided by a clear physical boundary (it is defined only by limited vegetation/fencing);
- The strong landscape and townscape features in the locality comprise the highways to the west and north, the woodland to the east of TBE's land and the vegetation/agricultural track to the south;
- The visual aspects of each site means that TBE's land would form a natural part of the proposed Focus School allocation;
- The square-shaped parcel of land comprising the Focus School and TBE's land is physically separated from the wider PS36 'Sharpness New Settlement' by highway infrastructure and existing built form within the village. Logic dictates that this land should, in its entirety, be seen as a separate allocation;
- The allocation of the Focus School site on its own does not result in a logical 'rounding off' of the village, without the inclusion of TBE's land to the north and the east;
- TBE's land is better related to the village 'core' around the T-junction of Station Road/Halmore Lane (including the four bus stops dispersed along these routes); and
- Both sites are located within Flood Zone 1 (very low risk of flooding) and are free from any environmental and landscape designations.

24. For the reasons identified above, it is considered appropriate that TBE's land and the Focus School site are masterplanned together to ensure an appropriate and well planned use of the site.

25. In accordance with the revised NPPF, a conjoined scheme across the two sites promotes a more sustainable pattern of development in contrast to the policy intention to redevelop the footprint of the school buildings. The footprint accommodated by the school buildings extends to approximately one hectare, so the provision of 70 dwellings on this site promotes a high density of development in this location.

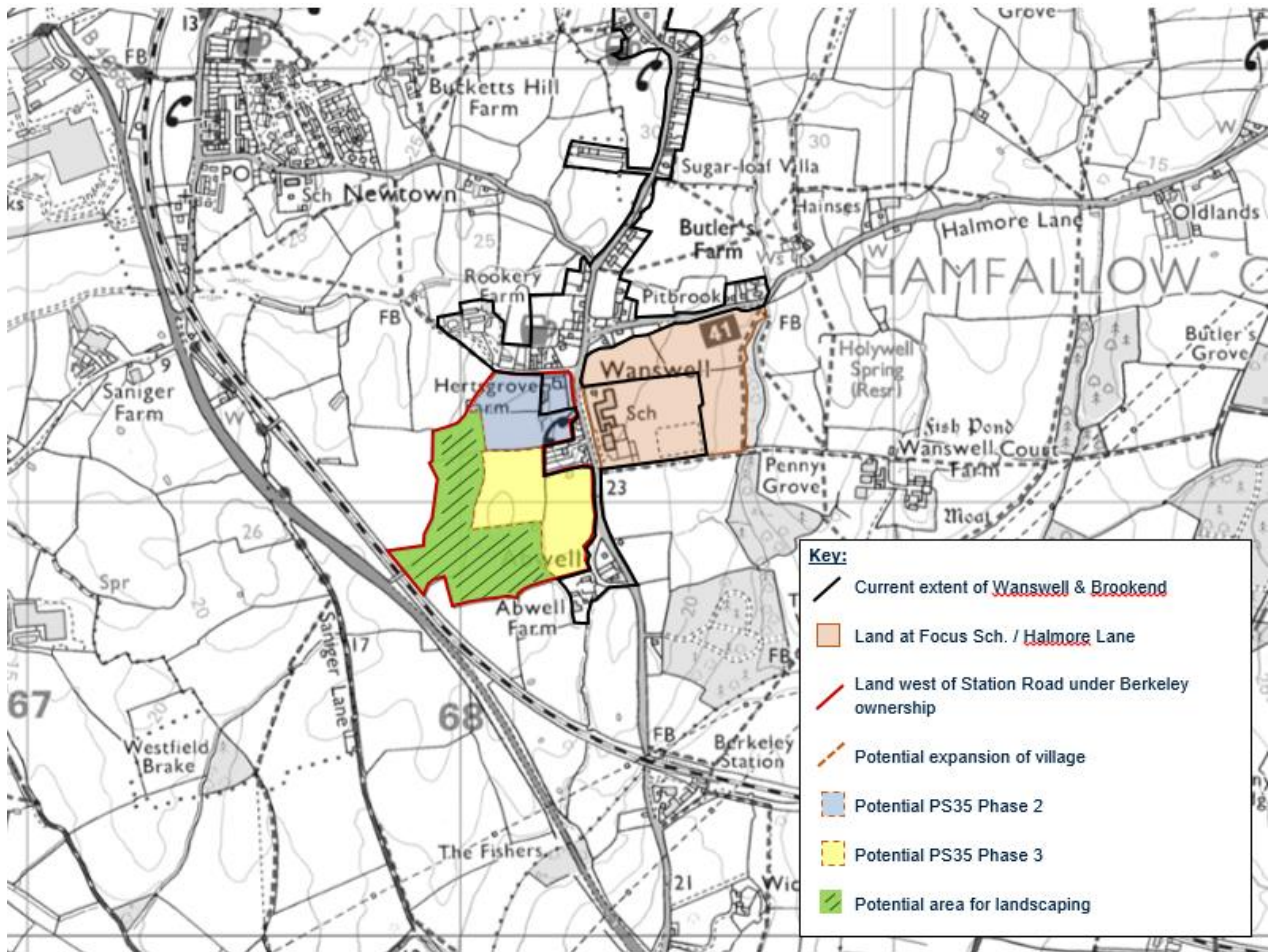


26. The proposals would also allow the delivery of critical infrastructure, such as foul and surface water drainage, as well as enhancing opportunities to demonstrate a measurable biodiversity net gain in accordance with emerging legislation.
27. Discussions have been held between representatives of TBE and representatives of the Focus School to explore that prospect and an indicative masterplan has been produced to show how it can be brought forward as a single allocation. The layout shows how development of the site could suitably deliver a sustainable development which forms a logical extension to the village of Wanswell.
28. That illustrative concept plan is included at **Appendix I**.
- 29. Based on the justification outlined above, it is recommended that the Draft LP extends the allocation at the Focus School (allocation ref. PS35) to include the adjoining parcel of land under TBE's ownership.**
30. Extending the allocation would result in a more effective, positively prepared and justified plan, in accordance with paragraph 35 of the revised NPPF.
31. Looking across the longer-term, TBE is still exploring the possibility to deliver an extended Wanswell village independently of the proposals at Sharpness, illustrated by Figure 2 below. The approach outlined presents an opportunity to provide a suitable 'rounding off' of Wanswell Village on both sides of Station Road.





**Figure 2: Land under TBE’s ownership to deliver an expansion to Wanswell**



32. As a general point, there is a typographical error in the purple box on page 178 of the Draft LP, highlighting the Land at Focus School as the ‘Land at Lynch Road, Berkeley’. This should be amended prior to the submission of the Draft LP to the Secretary of State.

## Strategic Site Allocation Policy PS36 Sharpness New Settlement

33. Previous representations made on behalf of TBE have highlighted concerns about the impact of the large-scale nature of the proposals on the land under the Estate's ownership and the wider environment around Berkeley.
34. SDC's Consultation Report (published April 2021) sets out the Council's latest position on the new settlement proposals, alongside its response to the representations submitted to the previous consultation.
35. The Council's response refers to transport assessment work identifying a range of highway mitigation measures to ensure traffic and safety issues can be addressed. As part of the movement strategy going forward, the Stroud Sustainable Transport Strategy (Aecom, published February 2021) sets out a range of potential 'interventions' for the A38 corridor, including 'B4066 corridor improvements' at Berkeley.
36. Within the consideration of potential impacts on designated heritage assets, paragraph 199 of the revised NPPF states that "*great weight should be given to the asset's conservation*", and the more important the asset, the greater that weight should be.
37. In the event that the B4066 strategy intervention is pursued, we recommend that SDC considers the potential impacts to statutory heritage assets in accordance with national guidance, including the Grade I Listed Berkeley Castle and the Grade II\* listed Registered Park and Garden.
38. The plan-making framework allows flexibility in the way policies for the development and use of land are produced. Amendments to the policy wording have resulted in the inclusion of an extensive list of criteria, comprising 25 new individual policy requirements.
39. Notwithstanding the viability implications this criteria may generate, during the examination of the plan it may not be considered that this new criteria promotes the 'flexibility' needed for policies and plans to adapt to future changes.
40. The topics listed within the additional text cover matters such as "*adequate and timely infrastructure*"; and a "*bespoke and innovative layout*". The Draft LP should avoid using this form of language within its policies, as they are difficult to quantify and define.
41. In the event that an allocation is taken forward, it is important that the layout of any development delivered at the allocation is evolved as a collaborative approach, with all interested parties involved, to ensure that the proposal delivers the most appropriate and viable form of development for the area. TBE has not been party to the evolution of the detailed proposals to date, but will engage as appropriate as the allocation progresses through the plan process.

### **Strategic Site Allocation Policy PS37 Wisloe New Settlement**

42. TBE supports the inclusion of the land under its ownership within the emerging allocation for the Wisloe Garden Village.
43. TBE's land sits to the south east of the roundabout at the junction of the A38 (Bristol Road) and A4135. The inclusion of TBE's land represents a logical extension to the allocation, representing the last remaining parcel of land which is located within the A38, the A4135 and the M5.
44. The site is flat and is not the subject of any landscape/environmental designations that prevent its development. Existing vegetation along the north eastern and north western boundaries means the site is already well visually and physically screened, so would therefore help to provide a strong landscaped edge to the north of the allocation.
45. As with emerging Policy PS36, the changes to this policy have led to the inclusion of an extensive list of criteria. TBE questions whether the criteria listed is 'flexible' in accordance with national planning guidance.
46. Moreover, the Draft VA highlights that the Wisloe new settlement presently is presently demonstrating 'marginal' viability. Although TBE welcomes the Council's aspirational approach to new development here, the supporting SDC needs to ensure that the items listed within this policy are both deliverable and viable.
47. TBE has commenced discussions with the Earnest Cook Trust, the leading landowner promoting the new settlement (alongside the Council), and will work with the Trust to evolve the detailed proposals in the run-in to the examination.

### **Land north of Canon Park Sports Ground (BER008)**

48. TBE maintains the position that its land to the north of Berkeley, between the existing playing field and the B4066, is incorporated within the settlement boundary and allocated for development.
49. The site was identified in the Strategic Assessment of Land Availability 2017 (2017 SALA) as 'Land north of Canon Park Sports Ground' (BER008), but was identified as having no prospect of being available. The land is available for development and TBE would like the site to be reconsidered by SDC upon review of the SALA.
50. The findings of the Sustainability Appraisal Report (SA, published May 2021) summarises that the site is suitable for open space provision. Given that the site will soon be surrounded by residential development, TBE consider that the site is suitable for residential uses. We draw the Council's attention to the planning permissions at the 'Land to the rear of Canonbury Street' (substantially complete) and proposed allocation of the land 'Northwest of Berkeley' (allocation ref. PS33) which have the effect of enclosing the land north of Canon Park Sports Ground.
51. Having regard to the above, the site is considered to represent an appropriate 'rounding off' of the town and is appropriate for inclusion as an allocation for residential development - as demonstrated in Figure 3.

**Figure 3: Plan showing development context of the Land north of Canon Park Sports Ground**



## Other Draft LP Policies

### *Core Policy 1: Delivering Carbon Neutral by 2030 and Policy ES1: Sustainable Construction and Design*

52. TBE understands that the requirement for Stroud District to become carbon neutral is more ambitious than the Government's own aspirations to achieve net-zero greenhouse gas emissions by 2030. To echo the Draft VA, building to increased standards will inevitably lead to higher costs and we suggest that SDC carefully consider this approach.
53. The Draft VA hints that a limited level of evidence has been prepared to support this commitment. During the summer 2020 consultation, no details were provided as to how SDC would deliver a carbon neutral district by 2030, just eight and a half years away.
54. TBE is concerned that the main aim of this policy has the potential to constrain any meaningful level of planned development across the district. This could lead to housing land supply issues in the short and medium terms, therefore allowing more speculative residential development to come forward.
55. To summarise, such requirements will need to be factored into viability appraisals for strategic allocations when establishing what other contributions the development can support.

### *Core Policies 4: Place Making*

56. TBE supports the principle of integrating new development into neighbourhoods, place-shaping and creating safe streets, homes and workplaces, as set out within Core Policy 4.

### *Core Policy 6: Infrastructure and Developer Contributions*

57. TBE supports the commitment for SDC to ensure infrastructure will be in place at the right time. We encourage SDC to work with the development sector as part of delivering key infrastructure.
58. The provision of strategic and local sites across the District needs to be evolved alongside the emerging local plan to ensure that what is required by policy is realistic, having particular regard to viability, the infrastructure requirements/costs and how they are to be funded.

### *Core Policies 7 and 8: Achieving Healthy and Inclusive Communities and New Housing Development*

59. The general principles of this policies are supported and is considered to comply with paragraph 62 of the revised NPPF, stating that the size, type and tenure of housing for different groups in the community should be reflected in planning policies.

*Core Policy 9: Affordable Housing*

60. TBE supports the principle of new residential development delivering an appropriate proportion of affordable housing within the scheme subject to viability.

*Policy DHC2: Sustainable rural communities*

61. TBE supports the principle of Policy DHC2 (Sustainable rural communities), which seeks to encourage smaller housing schemes up to nine dwellings at Tier 3b and Tier 4 settlements.

*Policy HC3: Self-build and custom-build*

62. The requirement for a provision of 2% of self-build and custom-build homes at Policy HC3, subject to demand, is supported on the basis that it shows flexibility in accordance with national policy objectives.

*Policy HC4: Exception sites*

63. Further to our representations in January 2020, TBE welcomes the amendment to criterion 3 of Policy HC4 (Exception sites), ensuring that all affordable homes coming forward on exception sites are available in perpetuity.

*Policy HC1: Detailed criteria for new housing*

64. In regard to Policy HC1, it is important for the detailed requirements of this policy to promote high quality design.

65. It may not be considered suitable for the policy to prohibit the loss of, or damage to, public rights of way (PROWs), as many new developments necessitate the reconfiguration of PROWs as part of their masterplanning strategy.

66. Moreover, the requirement for proposals to “*not appear as an intrusion into the countryside*” could be subject to wide variations of interpretation. Whilst we understand the Council’s intentions here, this could be positively addressed through good design and landscaping.

67. In accordance with national planning guidance, we encourage that this policy is redrafted to promote flexibility for developers in bringing forward their schemes.

*Policy DHC7: Open Space Provision*

68. As per our comments from January 2020, some of the open space typologies presented in Policy DHC7 could be considered to overlap. The policy does not clarify where the distinction arises between 'Amenity Green Space', 'Parks and Recreation Grounds' and 'Natural Green Space', which can all have common characteristics. The number of typologies presented in this policy could cause significant confusion for developers.

69. Such requirements will also need to be factored into viability appraisals for strategic schemes when establishing what contributions the development can support.

*Policy E10: Provision of new tourism opportunities*

70. TBE supports the Council's intention to encourage development in lower tier settlements and countryside locations, as set out in Policy E110.

71. In Savills' experience, encouraging opportunities and increasing the provision of tourism-related facilities has been an effective method for larger estates to diversify and enhance its commercial operations. Increased tourism provision brings multiple financial benefits to the local area and district-wide stakeholders.

*Policy E112: Promoting Transport Choice and Accessibility*

72. The requirement for new development to be planned in accordance with the Sustainable Transport Hierarchy in Policy E112 is supported.

*Core Policy 14: Quality Design and Development*

73. TBE supports SDC's aspirations for high quality design in accordance with the revised NPPF.

74. It is recommended that further clarity is required at criterion 12: what is the 'larger area' referred to within this strand of the policy and how is 'comprehensive' measured? The Draft Plan should set out the purpose of this criterion.

75. We suggest a minor amendment to criterion 14, replacing "motor car" with "private vehicular transport".

*Core Policy 15: A quality living and working countryside*

76. As set out within our previous representations, the principle of this policy is supported, which provides flexibility for rural-based business and organisations (such as TBE) to successfully operate.





77. TBE considers that this policy should not act as a hindrance to property owners, businesses or other organisations, nor should this policy be applied too rigidly within the determination of applications.

*Policy ES6: Biodiversity and Geodiversity*

78. The principle of this policy is supported, which provides conservation to the Wildfowl and Wetlands Trust at Slimbridge, which is under TBE's ownership.

79. We consider that this policy should be applied pragmatically in the event of much needed improvements to natural resources and biodiversity, as well as any educational and tourism facilities at these locations, and should not act as a hindrance to applicants within the determination of planning applications.

*Policy ES8: Trees, Hedgerows and Woodlands*

80. TBE supports the Council's aspirations for enhancing the district's tree, hedgerow and woodland resource, but considers that the policy requirement for "no net loss of hedgerow" is not flexible.

81. Developers will soon be legally required to deliver a measurable biodiversity net gain and this obligation alone will be sufficient to boost Stroud District's hedgerow and ecological resource. In addition, there may be circumstances where the specific hedgerow is dying or is in declining condition which warrants removal as part of new development. This paragraph should therefore be removed from the draft policy.

*Policy ES10: Historic Environment*

82. TBE broadly supports this policy in principle.

83. Where appropriate, it is important for SDC to very carefully consider the significance of the Grade I listed Berkeley Castle and its Grade II\* listed park and gardens, as well as the impact on existing farm tenants, local businesses and residents, when considering the potential implications of any new development.

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## Conclusion

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84. TBE has significant land interests across the south west of Stroud District. The Estate controls land which forms part of the allocations at Focus School and Sharpness and Wisloe Garden Villages. These representations also provide a commentary on the policies which impact upon more general matters of the Estate.
85. TBE owns an L-shaped parcel of land adjoining the PS35 site along the northern and eastern boundaries which is very well-related to the PS35 allocation (but is currently identified as forming Phase 2 of the PS36 allocation at the Sharpness new settlement). It is proposed that this land be included within the PS35 allocation it is closely related to, as opposed to the wider PS36 allocation which sits to the west, beyond the existing village.
86. In the event that the Sharpness new community is not carried forward, TBE proposes that its land to the south west of Wanswell is instead brought forward as a focused and phased expansion of the village, which would follow a first phase associated with our suggested PS35 allocation.
87. In regard to the new settlement proposals at Sharpness, changes to the draft Policy PS36 since the previous iteration of the plan have led to the inclusion of an extensive list of policy criteria, which could prevent any meaningful level of development coming forward and may not be considered to contribute towards the flexibility needed to bring forward the allocation.
88. The inclusion of the Estate's land within the emerging allocation at the Wisloe Garden Village is supported, and TBE is engaged with the Earnest Cook Trust to ensure a collaborative approach to the site's master planning. As with Sharpness, the amendments to this policy have the potential to constrain an adequate level of development coming forward.
89. Contributing towards the complexities of bringing new sites forward is the Council's commitment to deliver more ambitious targets than the Government, seeking to achieve net-zero greenhouse gas emissions by 2030. Whilst TBE is fully committed to sustainability, this policy objective has the potential to inhibit planned growth, which could lead to more speculative planning applications in the future.
90. TBE is also committed towards promoting the wider land within its ownership. The Estate is dedicated towards facilitating smaller and larger enterprises commercial operations to support the rural economy.



91. Going forward, TBE is keen to engage in further stages of the Stroud Local Plan Review, including the examination of the plan.

## Appendix I

### Amended Allocation PS35: Land south of Halmore Lane and at Focus School, Wanswell – Concept Master Plan

- KEY**
- Vehicular access from Halmore Lane
  - Free lined primary street designed to deliver a low speed environment
  - Green edge alongside Halmore Lane (part of the National Cycle Network), including retained planting
  - Surface water attenuation feature at site low point
  - Public Right of Way (PROW) connection to Halmore Lane
  - PROW connection to school-eas
  - West-east green corridor with new and retained planting
  - Retained woodland with PROW running alongside
  - PROW connection that running along the adjoining one
  - Residential development overlooking the surrounding parkland and including central green space
  - Central green space, with play area, new and retained planting, and surface water attenuation
  - Green edge with new and retained planting, adjoining lane (anc. PROW) which runs west-east from Station Road
  - Potential community use
  - Retained green edge alongside Station Road (part of the National Cycle Network)
  - Existing bus stops on Station Road
  - Vehicular access from Station Road
  - Village green including play area, and nearby bus stops
  - The Salmon Inn
  - Existing detached dwellings adjoining north-west of site

B Amenity spacing / drawing details apply  
A Amenity spacing, central green amenity  
New street

**HNAL**

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